

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SUSAN TOMLIN,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

2:23-cv-0190-KJN

ORDER

On January 31, 2023, plaintiff, Susan Tomlin, filed this action under the Federal Tort Claims Act against defendant, United States of America. (ECF No. 1.) Defendant filed an answer on April 17, 2023. (ECF No. 4.)

This case was randomly assigned to participate in the court's automated case assignment plan pursuant to Appendix A of the Local Rules. (ECF No. 3.) See Local Rules, Appendix A, subsection (m). Upon consent of both parties, the undersigned will have jurisdiction over this case for all purposes, including dispositive matters. Under the Initial Scheduling Order, all parties were to inform the Clerk of Court of their decision whether to consent or decline to magistrate judge jurisdiction for all purposes in this case by filing their Consent/Decline form (ECF No. 3-1) within ninety days of the date the action was filed, in this case by May 1, 2023. (ECF No. 3 at 2, para. 2.) A review of the docket indicates that no Consent/Decline forms have


1 yet been submitted. There is no obligation to consent, and no judge will be notified of a party's
2 decision unless all parties have consented. See Fed. R. Civ. P. 73(b)(1). However, for proper
3 case administration, each party must inform the Clerk of Court whether it consents to magistrate
4 judge jurisdiction for all purposes. Therefore, the court ORDERS that all parties file their
5 Consent/Decline forms within seven days.

6 Additionally, the Initial Scheduling Order required parties to file a joint status report
7 within thirty days of filing an answer addressing the subjects listed in Local Rule 240(a) to assist
8 the court in setting a scheduling order for the case. (See ECF No. 3 at 2, para. 3.) However, that
9 deadline only applies if all parties consent to magistrate judge jurisdiction for all purposes under
10 28 U.S.C. § 636(c). If not all parties consent, this case would be randomly reassigned to a district
11 judge as presiding judge, and that district judge would direct the case's scheduling. (See ECF No.
12 3 at 1.)

13 **ORDER**

14 Accordingly, IT IS HEREBY ORDERED that all parties file their Consent/Decline forms
15 within seven days of this order.

16 Dated: May 2, 2023

17 
18 KENDALL J. NEWMAN
19 UNITED STATES MAGISTRATE JUDGE

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